

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

PEG BOUAPHAKEO, et al.)
Plaintiffs,)

v.) Case No. 5:07-cv-4009-JAJ-TJS

TYSON FOODS, INC.)
(d/b/a Tyson Fresh Meats)

Defendant.)

**ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF
SETTLEMENT OF ALL CONTESTED ISSUES BETWEEN THE PARTIES
INCLUDING AWARD OF ATTORNEYS' FEES AND COSTS TO
PLAINTIFFS' COUNSEL**

This matter comes before the Court pursuant to the Parties' Joint Motion For Final Approval of Settlement Of All Issues Between The Parties, which was filed on September 28, 2017 (**Dkt. 439**), and Plaintiffs' Unresisted Motion For Attorneys' Fees and Costs, which was also filed on September 28, 2017 (**Dkt. 438**). These Motions were filed subsequent to the parties filing a "Joint Notice of Settlement" in this matter on July 11, 2017 (**Dkt. 432**), informing the Court that the parties had reached an agreement of settlement regarding all remaining issues in this matter. The Court held a hearing on the Motions (**Dkt 438 and 439**) in Des Moines, Iowa on October 11, 2017. These Motions are hereby GRANTED for the reasons set forth below.

Upon consideration of these Motions, the July 11, 2017 Joint Notice of Settlement; the Notice that was provided to class members regarding the Plaintiffs' counsel's Motion For Award Of Attorneys' Fees and Costs (See, **Dkt. 434**), which was approved by the Court on September 28, 2017 (**Dkt. 437**); the global Settlement Agreement between the parties and all other settlement documents; the pleadings in the case as a whole; and the arguments at the Hearing, the Court concludes that the resolution of all remaining issues between the parties, including an award of the attorneys' fees and costs requested by Plaintiffs' counsel, is fair, reasonable, and adequate; in the best interests of the Class; and in accordance with law.

The Court grants Final Approval of the terms of the Settlement Agreement and agreed upon procedures as set forth in the Settlement Agreement filed with the Joint Motion For Final Approval of Settlement Of All Issues Between The Parties. The Court finds that the Court-approved Class Notice (**Dkt 437**) was provided to class members as ordered by the Court, was reasonably calculated to provide actual notice to the class members of the fact of the settlement, and informed class members that Plaintiffs' counsel would be seeking an award of attorneys' fees and costs in the amount specified in the Settlement Agreement.

The Court further finds that the settlement was reached following meaningful discovery and investigation litigated by the parties and their counsel, a subsequent jury trial, entry of Judgment in favor of Plaintiffs, and further litigated appeals. The approved settlement is a result of adversarial, arms-length negotiations between the parties, resulting in terms that in all respects are fair, adequate and reasonable. In so finding, the Court considered evidence presented regarding the strengths and weaknesses of Plaintiffs' case, the risk and expense and likely duration of continued litigation for all parties in the absence of a settlement, and both the amount of the settlement and benefits the settlement confers to the class members relative to their likelihood of prevailing in their case on the merits.

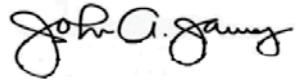
The Court also grants the amounts for attorneys' fees and costs as set forth in the Settlement Agreement and the Plaintiffs' Unresisted Motion for Approval of Attorneys' Fees and Costs, and finds that they are reasonable. The Court also approves payment from the Qualified Settlement Fund to the Court-Appointed Settlement Administrator, BrownGreer, PLC, as agreed by the parties, for services rendered as Claims Administrator.

The parties are directed to continue to comply with and administer the terms of the Settlement Agreement. The Plaintiffs shall file the agreed upon form of the "Satisfaction of Judgment" in accordance with the timeline set forth in Section

15.2 of the Settlement Agreement, which will thus conclude this matter in all respects. The Court will retain jurisdiction over the parties to the Settlement Agreement for the purpose of ensuring compliance with the remaining duties of the settlement agreement and this Order.

This Order is being entered more than 90 days after notice has been provided to the appropriate government entities as required by 28 U.S.C. § 1715.

Dated: November 21, 2017.



JOHN A. JARVEY
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA